

REMARKS/ARGUMENTS

Claims 1-8 are pending in the present application. Claims 1-2, 4, and 7-8 stand rejected under 35 U.S.C. § 102(a) for allegedly being anticipated by Tsukahara *et al.* (WO 03/058233). Claims 1-8 stand rejected for allegedly being obvious over Tsukahara in view of Cardoso De Almeida *et al.* (WO 95/22614). The same claims are also rejected for being obvious over Weinstock (US Patent No. 6,747,137) and Tsukahara in view of Cardoso De Almeida. Each of the rejections will be addressed in the order in which they are raised in the Office Action.

Rejection under 35 U.S.C. § 102(a)

The rejection of the claims over Tsukahara *et al.* is respectfully traversed. In the second paragraph of page 2 of the Office Action, the Examiner acknowledges the priority claims in the present application. The present application is a national phase filing from PCT JP03/14909, which claims priority to Japanese Patent Application No. 2002-339418, filed November 22, 2002. Tsukahara was published July 17, 2003. As explained below, because the pending claims are fully supported by the '418 application, Tsukahara is not properly part of the prior art and the present rejection is rendered moot.

The pending claims are directed to methods of screening for antifungal compounds using GWT1 genes, which encode enzymes shown to be involved in transporting GPI anchored proteins to the cell walls of various fungi. These enzymes have the activity of synthesizing GlcN-(acyl)PI, which is required to anchor the proteins in the cells walls. The present invention is based, at least in part, on the discovery that inhibition of GWT1 proteins inhibits fungal cell wall synthesis. In particular, the claimed methods relate to screening for compounds having an antifungal activity, wherein the method comprises the steps of:

- (1) contacting a test sample with an overexpressed protein encoded by the GWT1 gene;
- (2) detecting GlcN-(acyl)PI; and
- (3) selecting the test sample that decreases GlcN-(acyl)PI.

Attached to this response is verified translation of the '418 application. Page 1 of that application, claims 1-4 provide support for claims 1-8 of the present application. The sequences referred to in claim 2 of the present application are also found in the '418 application. Thus, all of the pending claims are supported by the '418 application, which was filed before the publication of Tsukahara. As a result, the rejection over this reference is rendered moot and should be withdrawn.

Rejections under 35 U.S.C. § 103(a)

The rejections of claims 1-8 over Tsukahara in view of Cardoso De Almeida and Weinstock and Tsukahara in view of Cardoso De Almeida are respectfully traversed. As noted above, Tsukahara is not properly part of the prior art because the pending claims are fully supported by the Japanese priority application filed before Tsukahara was published. None of the other cited references provide teaching that discloses or suggests the claimed invention.

Cardoso De Almeida is cited for teaching extraction of GPI and thin layer chromatography to analyze lipids. This reference teaches nothing about GWT1 enzymes and their role in fungal cell wall synthesis. Similarly, Weinstock is cited for screening for antifungal compounds. As acknowledged by the Examiner, however, Weinstock fails to disclose or suggest GWT1 proteins as a target for such compounds.

In view of the above, applicants respectfully submit the present rejection cannot be maintained and should be withdrawn.

Appl. No. 10/536,935
Amdt. dated August 6, 2008
Reply to Office Action of May 14, 2008

PATENT

CONCLUSION

In view of the foregoing, Applicants believe all claims now pending in this Application are in condition for allowance. The issuance of a formal Notice of Allowance at an early date is respectfully requested. If a telephone conference would expedite prosecution of this application, the Examiner is invited to telephone the undersigned at 415-576-0200.

Respectfully submitted,



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